<center>**REMARKS**</center>

In the Office Action, the Examiner rejected claims 1-3, 5-7, and 13-16 under 35 U.S.C. §102(e) as being anticipated by the United States Patent 6,714,826 issued to Curley, et al. (hereafter "Curley"). The Examiner also rejected claims 22-36 under 35 U.S.C. §112, first paragraph, as not complying with the enablement requirement. Furthermore, the Examiner objected to claims 4, 8-12, and 17-21 as being dependent upon a rejected based claim. However, the Examiner stated that claims 4, 8-12, and 17-21 would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. Applicant respectfully thanks the Examiner for the finding of allowability of these claims.

In this Amendment, Applicant has amended the specification to correct certain typographical errors. Moreover, Applicant has added new claims 37-51 and has canceled claims 18, 26, and 36. Applicant has amended claims 1, 4-5, 7-9, 12-14, 16-18, 22, 25, 27, 29, and 31-33. The amendments are made for reasons of clarity and not for reasons of patentability. Applicant does not surrender any equivalents of the amended claims. Accordingly, claims 1-25, 27-35, and 37-49 will be pending after entry of these Amendments.

I. Prior Amendments to Claims 1, 4, 13, and 18

In the prior Preliminary Amendment filed on 2/14/2007, Applicant incorporated various changes to claims 1, 4, 13, and 18 without the proper indications. In the previously filed Preliminary Amendment, claims 1 and 13 included a limitation d) that was not originally filed in the original set of claims. These added limitations did not

contain the proper underlining necessary for adding content to a claim. Therefore, Applicant has amended claims 1 and 13 to include the limitation d) with the necessary and proper underlining.

In the previously filed Preliminary Amendment, claim 4 omitted the limitation "storing the processed section of the second audio stream independently of the processed first audio stream;" as was originally filed. The removal of the limitation in the Preliminary Amendment was not indicated by crossing out of the limitation. Therefore, Applicant has amended claim 4 with the necessary and proper crossing out of content to correct the typographical errors.

Moreover, the original dependent claim 18 was not included with the previously filed Preliminary Amendment and instead a new claim 18 was added. Therefore, to remedy the typographical errors, Applicant has crossed out the originally filed claim 18 to properly remove the limitations and Applicant has underlined the claim 18 limitations of the Preliminary Amendment in order to add such limitations. Applicant respectfully requests that the amendments to claims 1, 4, 13, and 18 be entered to correct the typographical errors of the Preliminary Amendment of 2/14/2007.

II. Rejection to Claims 22-36 under 35 U.S.C. § 112, first paragraph

In the Office Action, the Examiner rejected claims 22-36 under §112, first paragraph, as not complying with the enablement requirement. Specifically, the Examiner stated that the "claimed limitation citing indicators having various appearances is not described in the specification."

Applicant respectfully submits that the term "indicator" does not run afoul of the §112 enablement requirement. Applicant respectfully submits that the test of enablement is whether one skilled in the art could make and use the claimed invention from the disclosure coupled with information known in the art without undue experimentation. *Amgen Inc. v. Hoechst Marion Roussel*, 314 F.3d 1313, 1334 (Fed. Cir. 2003). The word "indicator" is used as it is commonly understood in the English language to indicate or show a condition or state. Various examples of indicators are provided within the specification. For instance, the item-level status bar (252) is used to indicate that an "item-level render file has been created for the audio item Extreme Music for the interval between 405 and 410" and the render status bar (256) is used to indicate that "the user when the specified operations have likely exceeded the real-time processing power of the computer system, and identifies portions of the presentation where this excess has occurred." *See*, specification, page 12, lines 9-10, page 8, line 19, and figure 2.

However, to obviate the issue, Applicant has amended claims 22, 25, 29, and 31-33 to replace the term "indicator" with the more generic term "displayed item". Therefore, Applicant respectfully submits that claims 22-36 comply with the enablement requirement of §112, first paragraph. Applicant respectfully requests reconsideration and withdrawal of the §112, first paragraph, rejection of claims 22-36.

III. Rejection to Claims 1-3, 5-7, and 13-16 under 35 U.S.C. § 102(e)

In the Office Action, the Examiner rejected claims 1-3, 5-7, and 13-16 under §102(e) as being anticipated by Curley. Claims 2-3 and 5-7 are directly or indirectly dependent on claim 1. Claim 1 recites a method of processing audio data in creating a

media presentation. The media presentation includes multiple audio streams. The method processes a section of a first audio stream. The processing includes applying a filter operation to the section. The method stores the processed section. The method also processes a section of a second audio stream independently of the first audio stream, where the second audio stream overlaps with the first audio stream. The processed section of the second audio stream is then stored separately from the processed section of the first audio stream.

Applicant respectfully submits that Curley does not disclose, teach, or even suggest processing a section of a first audio stream where processing includes <u>applying a filter operation</u> to the section. For instance, column 3, lines 5-25 of Curley describes Curley's processing as receiving multiple signals, decoding the signals, <u>resampling</u> the signals, and mixing the signals. However, Curley omits any reference towards applying <u>filter operations</u>. As should be clearly evident from Applicant's specification, filter operations are separate and distinct from decoding operations, sample rate conversion operations (i.e., resampling), and mixing operations. *See*, Specification, page 1. Accordingly, Applicant respectfully submits that Curley does not disclose, teach, or even suggest processing a section of a first audio stream where processing includes <u>applying a filter operation</u> to the section.

In view of the foregoing remarks, Applicant respectfully submits that the cited reference does not render claim 1 invalid. Given that claims 2-3 and 5-7 are dependent directly or indirectly on claim 1, Applicant respectfully submits that these claims are allowable over the cited references for at least the same reasons that were provided above

for claim 1. Moreover, claims 13-16 were rejected along the same rationale as claim 1. Accordingly, claims 13-16 are patentable for the same reasons mentioned above, namely Curley does not disclose, teach, or even suggest processing a section of a first audio stream where processing includes <u>applying a filter operation</u> to the section. Therefore, Applicant respectfully requests reconsideration and withdrawal of the §102(e) rejection of claims 1-3, 5-7, and 13-16.

IV.   Allowable Claims 4, 8-12, and 17-21

In the Office Action, the Examiner objected to claims 4, 8-12, and 17-21 as being dependent upon a rejected base claim. The Examiner stated that claims 4, 8-12, and 17-21 were otherwise allowable if rewritten in independent form. Applicant respectfully thanks the Examiner for the allowance. Applicant has rewritten dependent claims 9, 12, and 17 in independent form. Applicant has also added claim 49 to rewrite dependent claim 12 in independent form as embodied within a computer readable medium. Furthermore, Applicant has amended claim 8 to depend on claim 9 and as claims 10-11 already depend on claim 9, Applicant respectfully submits that claims 8-12, 17, and 49 are in condition for allowance.

Applicant respectfully has not rewritten claims 4 and 18-21 in independent form since Applicant respectfully believes that the rejected independent claim 1 is patentable over the cited reference. In view of the foregoing, Applicant respectfully requests reconsideration of allowable dependent claims 4 and 18-21.

V.   **New Claims 37-49**

In this Amendment, Applicant has added new claims 37-49. Applicant respectfully submits that claims 37-49 are fully supported by the specification and the figures. Accordingly, Applicant respectfully submits that claims 37-49 are in condition for allowance.

<div align="center">

CONCLUSION

</div>

In view of the foregoing, it is submitted that all pending claims, namely claims 1-25, 27-35, and 37-49 are in condition for allowance. Reconsideration of the rejections and objections is requested. Allowance is earnestly solicited at the earliest possible date.

Respectfully submitted,

ADELI LAW GROUP

Dated: June 20, 2007

/Mani Adeli/
Mani Adeli
Reg. No. 39,585

Adeli Law Group
A Professional Law Corporation
1875 Century Park East, Suite 1360
Century City, CA 90067-2514
Phone: (310) 785-0140 x301
Fax: (310) 785-9558